JOHN J. SANSONE, County Counsel (State Bar No. 103060)
County of San Diego
By RICKY R. SANCHEZ, Senior Deputy (State Bar No. 107559)
1600 Pacific Highway, Room 355
San Diego, California 92101-2469
Telephone: (619) 531-4874; Fax: (619) 531-6005
E-mail: ricky.sanchez@sdcounty.ca.gov

Attorneys for Defendant Julie Smith

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CARMEN POWELL, Plaintiff, v. CITY OF CHULA VISTA; CHULA VISTA POLICE DEPARTMENT; DET. RUTH HINZMAN; AGT. ANDERSON; AGT. OYOS; SGT. CERVANTES; AND PERSON ENTITIES UNKNOWN; COUNTY OF SAN DIEGO AND SAN DIEGO COUNTY PROTECTIVE SERVICES WORKERS JULIE SMITH, NADIA NAJORS, MEGAN PETFINGER, REBECCA SLADE AND PERSONS AND ENTITIES UNKNOWN, CHILDREN'S HOSPITAL; DIANA CHASE, NURSE DEBRA DAVIES, LCSW, Defendants.	No. 07-cv-1836-JAH(JMA) EX PARTE APPLICATION FOR ORDER ALLOWING FILING OF JUVENILE RECORDS UNDER SEAL

Defendant Julie Smith submits this ex parte request for an order allowing the filing under seal of Juvenile records for use by this Court in connection with defendant's defense of this action. In response to plaintiff's complaint, defendant filed a motion to dismiss that is scheduled for hearing on March 3, 2008. Local Civil Rule 79.2(c) allows records to be filed under seal where permitted by court order. The

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Juvenile records pertain directly to plaintiff's claim that she has been unlawfully deprived of custody of her children.

The Superior Court Juvenile Division has issued an order pursuant to Welfare and Institutions Code section 827 allowing defendant to access and use the subject juvenile records in defense of plaintiff's action herein. The subject Juvenile records are confidential under state law. Cal. Wel. & Inst. Code § 827. The Superior Court's § 827 order instructs that the subject Juvenile records be submitted to this Court under seal. Because confidential information related to the Juvenile proceedings is set forth in that Superior Court order, defendant desires to submit that Superior Court order along with the Juvenile records under seal. Filing of the Juvenile records under seal in this Court will preserve their confidential character and provide this court information necessary for the disposition of defendant's motion. Filing of the records under seal will not prejudice plaintiff; particularly since plaintiff alleges in her complaint (Cmplt. pp. 6-7 of 8) participation in court proceedings pertaining to her children. Defendant therefore asks this Court to issue an order permitting Juvenile records to be filed under seal.

DATED: February 6, 2008

Respectfully submitted,

JOHN J. SANSONE, County Counsel

By: s/ RICKY R. SANCHEZ, Senior Deputy
Attorneys for Defendant Julie Smith
E-mail: ricky.sanchez@sdcounty.ca.gov

Declaration of Service

I, LAURA COMETA, declare:

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, California where the service occurred; and my business address is: 1600 Pacific Highway, Room 355, San Diego, California.

On February 6, 2008, I served the following documents: **Ex Parte Application For Order Allowing Filing Of Juvenile Records Under Seal** in the following manner:

☐ By personally delivering copies to the person served.

☒ By placing a copy in a separate envelope, with postage fully prepaid, for each addressee named below and depositing each in the U. S. Mail at San Diego, California.

Carmen Powell
372 Bay Leaf Drive
Chula Vista, California 91910
(619) 420-4204
(619) 253-1271
(plaintiff in pro per)

☒ By electronic filing, I served each of the above referenced documents by E-filing, in accordance with the rules governing the electronic filing of documents in the United States District Court for the Southern District of California, as to the following parties:

PLEASE SEE ATTACHED LIST

Executed on February 6, 2008, at San Diego, California.

Laura Cometa
LAURA COMETA

List Of Parties Served Via Electronic Filing

Marilyn R. Moriarty, Esq.
Rita R. Kanno, Esq.
Lewis Brisbois Bisgaard & Smith
550 West "C" Street, Suite 800
San Diego, California 92101
(619) 233-1006
(619) 233-8627 (fax)
E-mail: rkanno@lbbslaw.com
(Attorneys for Defendants Rady Chrildren's Hospital San Diego (erroneously sued as Children's Hospital) and Diana Chase, NP)

Sheila S. Trexler, Esq.
Tamara Glaser, Esq.
Neil, Dymott, Frank, McFall & Trexler
1010 Second Avenue, Suite 2500
San Diego, California 92101-4959
(619) 238-1712
(619) 238-1562 (fax)
E-mail: tglaser@neildymott.com
(Attorneys for Defendant Morteza Mirkarimi, M.D.)